

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:05cv234**

**GERALD MADVIG, Derivatively on
Behalf of Nominal Defendant INGLES
MARKETS, INC.,**

Plaintiff,

Vs.

**CHARLES L. GAITHER, JR.; ROBERT
P. INGLE; ROBERT P. INGLE, II;
JAMES W. LANNING; JOHN O.
POLLARD; CHARLES E. RUSSELL;
LAURA INGLE SHARP; BRENDA S.
TUDOR; and J. ALTON WINGATE,**

Defendants,

and

INGLES MARKETS, INC.,

Nominal Defendant.

**SCHEDULING
ORDER ON
STATUTORY MOTION
TO DISMISS**

THIS MATTER is before the court on the joint request for a scheduling order. On April 7, 2006, a hearing was conducted on such request at which counsel for the respective parties appeared. Having considered that request, and it appearing that the parties are in agreement on the timing of statutory discovery on the Motion to Dismiss, the court enters the following Order allowing preliminary discovery in accordance with Chapter 55-7-44 of the North Carolina General Statutes.

ORDER

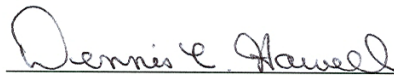
IT IS, THEREFORE, ORDERED that:

- (1) requested documents shall be produced by defendants not later than May 1, 2006;

- (2) depositions of committee members shall be completed by June 15, 2006;
- (3) plaintiff shall file his brief in response to the statutory Motion to Dismiss not later than July 1, 2006;
- (4) defendants shall file their brief in reply not later than July 16, 2006; and
- (5) the parties shall inform the court not later than July 21, 2006, whether they desire to be heard on the motion.

The parties are respectfully requested to reduce the stipulation they placed on the record to a writing and electronically file such agreement.

Signed: April 7, 2006

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Dennis L. Howell
United States Magistrate Judge

